

**HAWAII STATE**

**HOUSE OF REPRESENTATIVES**

**REGULAR SESSION OF 2012**

***MINI JOURNAL***

***FLOOR REMARKS TO BE INSERTED***

**SEVENTEENTH DAY**

**FEBRUARY 13, 2012**

OFFICE OF THE CHIEF CLERK

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## SEVENTEENTH DAY

Monday, February 13, 2012

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2012, convened at 12:06 o'clock p.m., with Vice Speaker Manahan presiding.

The invocation was delivered by Kahu Kordell C.L. Kekoa of the Kamehameha Schools Bishop Memorial Chapel, after which the Roll was called showing all Members present with the exception of Representatives Cabanilla, Carroll, C. Lee, M. Lee and McKelvey, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Sixteenth Day was deferred.

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 14 through 18) were received and announced by the Clerk:

Sen. Com. No. 14, transmitting H.B. No. 238, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TEMPORARY RESTRAINING ORDERS," which passed Third Reading in the Senate on February 10, 2012.

Representative Chong moved to disagree to the amendments made by the Senate to the following House Bill, seconded by Representative Evans and carried: (Representatives Cabanilla, Carroll, C. Lee, M. Lee and McKelvey were excused.)

H.B. No. 238, HD 2, (SD 1)

Sen. Com. No. 15, transmitting S.B. No. 2058, SD 1, entitled: "A BILL FOR AN ACT RELATING TO FELONIES FOR WHICH CRIMINAL CHARGES MAY BE INSTITUTED BY WRITTEN INFORMATION," which passed Third Reading in the Senate on February 10, 2012.

Sen. Com. No. 16, transmitting S.B. No. 2062, SD 1, entitled: "A BILL FOR AN ACT RELATING TO USE OF FORCE BY PERSONS WITH SPECIAL RESPONSIBILITY FOR CARE, DISCIPLINE, OR SAFETY OF OTHERS," which passed Third Reading in the Senate on February 10, 2012.

Sen. Com. No. 17, transmitting S.B. No. 2218, SD 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF HAWAII RELATING TO RESIDENCY REQUIREMENTS FOR MEMBERS OF THE LEGISLATURE," which passed Third Reading in the Senate on February 10, 2012.

Sen. Com. No. 18, transmitting S.B. No. 2712, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID," which passed Third Reading in the Senate on February 10, 2012.

On motion by Representative Evans, seconded by Representative Pine and carried, the following Senate Bills passed First Reading by title and further action was deferred: (Representative Cabanilla, Carroll, C. Lee, M. Lee and McKelvey were excused.)

S.B. No. 2058, SD 1  
S.B. No. 2062, SD 1  
S.B. No. 2218, SD 1  
S.B. No. 2712

## DEPARTMENTAL COMMUNICATIONS

The following departmental communication (Dept. Com. No. 69) was received by the Clerk and was placed on file:

Dept. Com. No. 69, dated February 8, 2012, from Rodney A. Maile, Administrative Director of the Courts, The Judiciary, State of Hawaii, transmitting The Judiciary's 2011 Annual Report Statistical Supplement, pursuant to Section 601-3, HRS.

## INTRODUCTIONS

The following introduction was made to the Members of the House:

REMARKS DELIVERED: Rep. Brower

At 12:12 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:24 o'clock p.m.

## ORDER OF THE DAY

## REPORTS OF STANDING COMMITTEES

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 289-12) recommending that H.B. No. 2505, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2505, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was referred to the Committee on Finance, with Representatives Cabanilla, Carroll, C. Lee, M. Lee and McKelvey being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 290-12) recommending that H.B. No. 2636, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2636, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC VIOLATION RECORDS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Cabanilla, Carroll, C. Lee, M. Lee and McKelvey being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 291-12) recommending that H.B. No. 2552, pass Second Reading and be referred to the Committee on Finance.

Representative Chong moved that the report of the Committee be adopted, and that H.B. No. 2552, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

REMARKS DELIVERED: Rep. Johanson  
Rep. Pine  
Rep. Fontaine  
Rep. Ching  
Rep. Ward  
Rep. Marumoto  
Rep. Thielen  
Rep. Riviere

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2552, entitled: "A BILL FOR AN ACT RELATING TO FUNDING FOR PARKING FOR DISABLED PERSONS," passed Second Reading and was referred to the Committee on

Finance, with Representatives Cabanilla, Carroll, C. Lee, M. Lee and McKelvey being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 292-12) recommending that H.B. No. 1942, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1942, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Finance, with Representatives Cabanilla, Carroll, C. Lee, M. Lee and McKelvey being excused.

Representative Wooley, for the Committee on Culture & the Arts presented a report (Stand. Com. Rep. No. 293-12) recommending that H.B. No. 1556, as amended in HD 1, be recommitted to the Committee on Culture & the Arts.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1556, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CULTURE," was recommitted to the Committee on Culture & the Arts, with Representatives Cabanilla, Carroll, C. Lee, M. Lee and McKelvey being excused.

Representative Wooley, for the Committee on Culture & the Arts presented a report (Stand. Com. Rep. No. 294-12) recommending that H.B. No. 1557, as amended in HD 1, be recommitted to the Committee on Culture & the Arts.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1557, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CULTURE," was recommitted to the Committee on Culture & the Arts, with Representatives Cabanilla, Carroll, C. Lee, M. Lee and McKelvey being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 295-12) recommending that H.B. No. 280, as amended in HD 1, be recommitted to the Committee on Agriculture.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 280, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," was recommitted to the Committee on Agriculture, with Representatives Cabanilla, Carroll, C. Lee, M. Lee and McKelvey being excused.

Representative Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 296-12) recommending that H.B. No. 2438, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 296-12 on H.B. No. 2438, HD 2, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 2438, HD 2, were made available to the Members of the House.

#### SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Pine and carried, the rules were suspended for the purpose of considering certain House Bills for Third Reading by consent calendar. (Representatives Cabanilla, Carroll, C. Lee, M. Lee and McKelvey were excused.)

#### REPORTS OF STANDING COMMITTEES

Representative Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 297-12) recommending that H.B. No. 2437, HD 1, pass Third Reading.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2437, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Third Reading by a vote of 45 ayes, with Representatives Cabanilla, Carroll, C. Lee, M. Lee and McKelvey being excused.

Representative Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 298-12) recommending that H.B. No. 2096, HD 1, pass Third Reading.

Representative Chong moved that the report of the Committee be adopted, and that H.B. No. 2096, HD 1, pass Third Reading, seconded by Representative Evans.

REMARKS DELIVERED: Rep. Marumoto

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2096, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," passed Third Reading by a vote of 45 ayes, with Representatives Cabanilla, Carroll, C. Lee, M. Lee and McKelvey being excused.

At 12:30 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 2437, HD 1  
H.B. No. 2096, HD 1

#### INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolution (H.R. No. 26) and concurrent resolution (H.C.R. No. 47) were referred to Printing and further action was deferred:

H.R. No. 26, entitled: "HOUSE RESOLUTION EXPRESSING CONTINUED SUPPORT FOR THE PROHIBITION OF GAMBLING IN HAWAII, AS RECOMMENDED BY THE 2011 HAWAII SECONDARY STUDENT CONFERENCE," was jointly offered by Representatives Manahan, Aquino and Cullen.

H.C.R. No. 47, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING CONTINUED SUPPORT FOR THE PROHIBITION OF GAMBLING IN HAWAII, AS RECOMMENDED BY THE 2011 HAWAII SECONDARY STUDENT CONFERENCE," was jointly offered by Representatives Manahan, Aquino and Cullen.

#### ANNOUNCEMENTS

#### COMMITTEE REASSIGNMENTS

The following measures were re-referred to committee by the Speaker:

<u>H.B. Nos.</u>	<u>Re-referred to:</u>
1454	Committee on Finance
1557	Committee on Culture & the Arts
1557, HD1	Jointly to the Committee on Culture & the Arts and the Committee on Hawaiian Affairs and the Committee on Education, then to the Committee on Finance

**ADJOURNMENT**

At 12:30 o'clock p.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Tuesday, February 14, 2012. (Representatives Cabanilla, Carroll, C. Lee, M. Lee and McKelvey were excused.)

**HOUSE COMMUNICATIONS**

House Communication dated February 13, 2012, from CJ Leong, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has disagreed to the amendments made by the Senate to the following House Bill:

H.B. No. 238, HD 2, SD 1